

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE 6200 INWOOD DRIVE**

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**Civil Action No.:** \_\_\_\_\_

**INTERPLEADER COMPLAINT**

Habitat for Humanity – Northwest Harris County, Inc. (“Habitat”) files this Interpleader Complaint pursuant to 28 U.S.C. § 1335.

**Parties**

1. Interpleader plaintiff Habitat is a Texas nonprofit corporation organized under the laws of the State of Texas, with its principal office and place of business in Houston, Texas.

2. Interpleader defendant Nicole Karathanasis Szucs Wysocki is a citizen of Texas, residing at 5415 Chevy Chase, Houston, Texas 77056.

3. Interpleader defendant Laszlo Szucs, whose citizenship and residency are unknown, is an heir of Janos Szucs.

4. Interpleader defendant Takatos Laszlone Ibolya, whose citizenship and residency are unknown, is an heir of Janos Szucs.

5. Interpleader defendant descended from John M. Winterbotham, III (deceased) and Kathleen D. Winterbotham (deceased), Amy W. Hardman is believed to be a citizen of Florida, residing at 205 Deer Haven Drive, Ponte Vedra Beach, Florida 32082.

6. Interpleader defendant descended from John M. Winterbotham, III (deceased) and Kathleen D. Winterbotham (deceased), John D. Winterbotham is believed to be a citizen of Oregon, residing at 82556 Anthony Creek Road, Dexter, Oregon 97431.

7. Interpleader defendant descended from John M. Winterbotham, III (deceased) and Kathleen D. Winterbotham (deceased), Blake Miller Winterbotham is believed to be a citizen of North Carolina, residing at 522 N. Pine St., Charlotte, North Carolina 28202.

8. Interpleader defendant Charles Carr, III is believed to be a citizen of Texas, residing at 1234 Place Royale Way, Houston, Texas 77056.

9. Interpleader defendant Stacy Carr is believed to be a citizen of Texas, residing at 2929 Buffalo Speedway, Unit 1513, Houston, Texas 77098.

10. Interpleader defendants Sarah Trum Foss and Todd Foss are believed to be citizens of Texas, residing at 702 Cinnamon Oak. Lane, Houston, Texas 77079.

11. Interpleader defendant Eric C. Bender is believed to be a citizen of Texas, residing at 270 Blalock Road, Houston, Texas 77024.

12. Interpleader defendant On Point Custom Homes LP (“On Point”) is a limited partnership organized under the laws of the State of Texas, and with its principal office and place of business at 3939 Essex Lane, Suite 100, Houston, Texas 77027.

### **Jurisdiction and Venue**

13. This Court has jurisdiction over this action under 28 U.S.C. § 1335 because there is diversity between two or more Interpleader Defendants, and the amount at issue exceeds \$500.00. Venue is proper under 28 U.S.C. § 1391(b)(2).

### **Nature of Action**

14. This is an action for interpleader to resolve competing claims to cash and gold coins found by volunteers working for Habitat during the course of deconstructing a house for which Habitat had been granted full salvage rights by the property owner.

15. On or about December 28, 2017, Eric C. Bender executed an agreement with Habitat for the deconstruction and demolition of a house owned by Bender located at 6200 Inwood Drive (the “Agreement”). The Agreement granted full salvage rights to Habitat and donated to Habitat all items removed, other than any items that the owner had removed or clearly marked before the deconstruction start date.

16. On or about April 30, 2018, prior to Habitat completing the deconstruction work, Bender sold the property to On Point, subject to the Agreement with Habitat.

17. On or about January 23, 2019, during the deconstruction process, three (3) Habitat volunteers and one (1) Habitat employee discovered a container under a fixed cabinet. Within the container, the Habitat workers discovered approximately \$164,650 in U.S. currency and ten (10) gold coins of unknown value (collectively the “Property”). No part of the Property was marked as being excluded from the donation to Habitat pursuant to the Agreement.

18. Based on the circulation dates on the currency found, the Property must have been placed by some unknown person(s) no earlier than 1995.

19. On information and belief, since 1989, the house in question has been owned as follows:

Dates of Ownership	Owners
1989 - 1999	Janos Szucs (deceased); then estate of Janos Szucs, including its beneficiaries, Nicole Karathanasis Szucs Wysocki, Laszlo Szucs and Takatos Laszlone Ibolya
1999 - 2001	John M. Winterbotham, III and Kathleen D. Winterbotham (both deceased post-2001)
2001 - 2013	Charles M. Carr, III and Stacy Carr
2013 - 2015	Sarah Trum Foss and Todd Foss
2015 - 2018	Eric C. Bender
2018 - present	On Point Custom Homes LP

### **Interpleader Claim**

20. Habitat is an innocent stakeholder.

21. Habitat is unsure whether it, any one or more of the Interpleader defendants or any other person or entity is entitled to receive the Property.

22. Habitat requests the Court to instruct the US Marshal to take possession of the Property and to appoint Habitat as the substitute custodian of the Property. Habitat currently has and will maintain the Property in a safe-deposit box of a major U.S. bank located in Houston until the Court instructs otherwise. Contemporaneous with this filing, Habitat has filed a motion requesting the Court to so instruct the US Marshal and to appoint Habitat as substitute custodian of the Property.

### **Declaratory Judgment**

23. Habitat further requests the Court to adjudicate whether Habitat, one or more of the named Interpleader defendants, or third-parties presently unknown are entitled to ownership of the Property and to thereafter award possession of the property to such party or parties.

### **Costs and Attorney's Fees**

24. Habitat has retained the services of the undersigned attorneys on a *pro bono* basis to prosecute this action and has incurred court costs and costs of safekeeping the Property. If the Court finds it to be appropriate under the circumstances, Habitat requests that the Court award reasonable attorney's fees for counsel and costs incurred in this action from the party or parties declared to own the Property.

### **Request for Relief**

25. Habitat respectfully requests the following relief:

- (a) That Interpleader defendants be served with a Summons and this Complaint and required to answer in the time and manner prescribed by the law;
- (b) That the Court accept the Property into its registry, and instruct the U.S. Marshal (or Habitat as appointed substitute custodian) to hold the Property in safekeeping pending further order of the Court;
- (c) That the Court require Habitat, Defendants and all other interested parties to interplead their claims to the Property and, on final trial, award ownership of the Property to the party or parties rightfully and legally entitled to receive it;
- (d) That the Court award Habitat its costs and reasonable attorney's fees for its counsel in this action, to be paid by the party or parties determined to own the Property; and
- (e) Award all other and further relief which this Court deems just and proper.

Respectfully submitted,

**BLANK ROME LLP**

/s/ Douglas Shoemaker

Douglas J. Shoemaker

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**ATTORNEY-IN-CHARGE**

**FOR HABITAT FOR HUMANITY –  
NORTHWEST HARRIS COUNTY, INC.**

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